

Appl. No. 10/801028
Amdt. Dated 2-04-06
Reply to Office Action of 11-04-05

Remarks/Arguments

Applicant would like to thank the examiner for the thorough review of the present application. Applicant has amended claims 1 and 2 to more narrowly claim the present invention over the prior art of record. Applicant respectfully submits no new matter has been introduced, which would affect the statutory requirements of patentability, because all newly claimed recitations are clearly supported by the original drawings. A person of ordinary skill in the art is enabled to make and use the presently claimed invention based on the originally filed drawings. Applicant cites Applicant cites *In re Wolfensberger*, 302 F.2d 950, 133 USPQ 537 (C.C.P.A.), wherein the Court has held the claims may be amended based upon the originally filed drawings without triggering a new matter rejection (please see attached literature).

Amended Claims 1 – 6 are Patentable

- *a housing positioned inside a spool opening and being secured to said stationary handle. No prior art of record teaches or renders obvious such a claimed recitation. Neither McDermott nor Kulage nor Cooper teaches their housings connected inside a spool, as claimed by the Applicant.*

- *wherein said stationary handle has a downwardly converging bottom surface forming a stop against which said movable handle is directly abutted when said movable handle is adapted to the lowered position so that said movable handle is prohibited from moving below said bottom surface of said stationary handle. No prior art of record teaches or renders obvious such a claimed recitation.*

- *said housing including a plurality of pistons slidably mounted therein and having a plurality of spaced apertures formed about said plurality of pistons, said housing further including an elongated fastening member secured to said plurality of pistons and to said movable handle. There is no teaching, suggestion or motivation to include a second piston in McDermott because a person of ordinary skill in the art would find it redundant, unnecessary and costly to include combine Kulage's pistons with*

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McDermott's piston. Further, Applicant respectfully submits the examiner has incorrectly stated the precedent that mere duplication of essential working parts involves routing skill in the art. Such a legal precedent is applicable in cases where the duplicate parts provide no additional advantage for solving the problem, whereas in the present case one of ordinary skill in the art would understand that additional pistons would not provide McDermott a stronger engagement on the inside of the object being transported.

- *wherein one of said pistons is seated within said lower section and another of said pistons is seated within said uppers section. No prior art of record teaches or renders obvious such a claimed recitation.*

- *wherein each of said latching members has a longitudinal length substantially equal to a thickness of said pistons respectively. No prior art of record teaches or renders obvious such a claimed recitation. McDermott's and Kulage's latching members are necessarily longer than their respective pistons to adequately engage side walls of the object being transported.*

- *said upper section having a tapered bottom edge directly conjoined with a top edge of said lower section, said predetermined diameter of said upper section being greater than said predetermined diameter of said lower section. No prior art of record teaches or renders obvious such a claimed recitation.*

- *a second set of said plurality of latching members are diametrically spaced approximately 120 degrees apart, said second set of latching members being disposed below said first set of latching members and for cooperating therewith to maintain said device securely engaged with a spool of cable. Kulage does not teach such a claimed second set of latching members spaced 120 degrees apart because Kulage teaches the use of four cams 18 (see FIG. 4, column 4, lines 17-18). Therefore, any hypothetical combination with McDermott would not teach all of Applicant's claimed recitations.*

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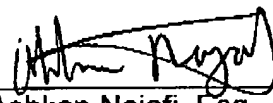
- *said stationary handle has a plurality of substantially vertical grooves formed therein and for guiding said movable handle therealong.* The is no teaching, suggestion or motivation to combine Cooper's grooves with McDermott's stationary handle 31 because a person of ordinary skill in the art knows it is unnecessary and counter intuitive to modify McDermott's handle with Cooper's grooves for the purpose of guiding the movable handle within the stationary handle, as reasoned by the examiner.

In view of these considerations, it is respectfully submitted that the rejection of the pending claims should be considered as no longer tenable with respect to the above mentioned arguments and claim amendments. All pending dependent claims necessarily include the recitations of their independent claims and therefore are also in condition for allowance.

Should the examiner consider necessary or desirable to make formal changes anywhere in the specification, claims and/or drawings, then it is respectfully asked that such changes be made by examiner's Amendment, if the examiner feels this would facilitate passage of the case to issuance. Alternatively, should the examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned attorney.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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